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# E OPERATIONS SECTION

This annex discusses operations section duties and responsibilities, removal and waste disposal, and presents required letters and reports. This annex also contains the list of emergency checklists and notifications.

## E-I OPERATIONS SECTION ORGANIZATION

The Operations Section of the area contingency plan includes:

- A. Operations Section Chief's Responsibilities
- B. Air Operations Branch
- C. Emergency Notifications
- D. Response Strategy/Containment & Cleanup
  - i. Offshore, Nearshore, Shoreline, Inland Sensitive Area
  - ii. Integrated Cleanup Systems
- E. Containment and Cleanup Branch
- F. Salvage Branch
- G. Decontamination Branch
- H. Wildlife Recovery Branch
- I. Vessel Operations Branch
- J. Health and Medical Services
- K. Removal & Waste Disposal

# E-I-A OPERATIONS SECTION CHIEF'S RESPONSIBILITIES

- (1) Implement and manage the Operations Section branches and units needed to proactively accomplish Operations Section actions.
- (2) Assist the Planning Section in defining strategic response goals and tactical operational objectives detailed in the Incident Action Plan.
- (3) Develop detailed mission assignments, sortie schedules, duty lists, and operational assignments to accomplish the strategic response goals and tactical operational objectives.
- (4) Identify additional response resources required or recommend the release of resources to the Unified Command.
- (5) Evaluate and report on response counter measure efficiency.

## E-I-B AIR OPERATIONS BRANCH

### **AIR TRAFFIC COORDINATION BRANCH**

- (1) Direct and coordinate air operations as required by the Incident Operations Plan and Annex J of this Area Contingency Plan.
- (2) Prioritize and assign air ops missions.
- (3) Request additional aircraft resources and release aircraft when authorized.
- (4) Coordinate ground services and aircraft support.
- (5) Identify additional resources and logistics needs.
- (6) Report on the status of air operations.

### **SURVEILLANCE UNIT**

- (1) Direct and coordinate air operations missions to conduct oil spill tracking, observation, and remote sensing.
- (2) Coordinate mission tasking with scientific and technical observers.
- (3) Identify additional resources and logistics needs.
- (4) Report oil spill tracking, observation, and remote sensing results and coordinate observations to direct operational activities.

## **APPLICATIONS UNIT**

- (1) Conduct air operations missions to apply dispersants, chemical countermeasures, bioremediation, or other alternative response technologies as directed by the Operations Section Chief.
- (2) Identify additional resources and logistics needs.
- (3) Report on the efficacy of alternative response technology applications.

# **E-I-C EMERGENCY NOTIFICATIONS**

The purpose of this Emergency Notification List is to centralize information about agencies, groups, trustees, organizations, and points of contact that play a role in environmental response. In addition, it is to help ensure that people who should be notified, are notified.

## **COAST GUARD**

Time Date Initials

- [ ] CCGD7 (mep)\*\* (305)536-5651 \_\_\_\_\_
- [ ] CCGD7 (opcen)\*\* (305)536-5611 \_\_\_\_\_
- [ ] CCGD7 (dl) (305)536-5653 \_\_\_\_\_
- [ ] NSFCC (919)331-6000 \_\_\_\_\_
- [ ] GULF STRIKE TEAM (205)639-6601 \_\_\_\_\_
- [ ] LANT PUBLIC AFFAIRS (212)668-7114 \_\_\_\_\_
- [ ] MLCLANT (fcp) (212)668-7110 \_\_\_\_\_
- [ ] LANT OPCEN (24 hr.) (212)668-7055 \_\_\_\_\_
- [ ] GROUP MAYPORT (904)247-7311 \_\_\_\_\_
- [ ] MSD CANAVERAL (407)868-4250 \_\_\_\_\_
- [ ] MSO SAVANNAH (912)652-4371 \_\_\_\_\_
- [ ] MSO MIAMI (305)356-5691 \_\_\_\_\_
- [ ] AIRSTA SAVANNAH (912)352-6737 \_\_\_\_\_

☐ STATION CANAVERAL (407)868-4200 \_\_\_\_\_

☐ NRC\* (800)424-8802 \_\_\_\_\_

## **FEDERAL AGENCIES**

Time Date Initials

☐ U.S. EPA (404)347-4062 \_\_\_\_\_

(Atlanta, GA)

☐ NOAA HAZMAT (206)526-6317 \_\_\_\_\_

(Seattle, WA) (24 HR #)

☐ NOAA SSC (305)530-7931 \_\_\_\_\_

☐ DOI (USFWS) (407)679-8687 \_\_\_\_\_

☐ NATIONAL PARK SER. (912)882-4338 \_\_\_\_\_

☐ ARMY CORPS ENGINEERS (904)232-1122 \_\_\_\_\_

☐ U.S. NAVY (904)772-5216 \_\_\_\_\_

☐ FEMA (817)898-9104 \_\_\_\_\_

## **STATE AGENCIES**

Time Date Initials

☐ GDNR ATLANTA\* (404)656-6905 \_\_\_\_\_

☐ FMP JACKSONVILLE (904)270-2500 \_\_\_\_\_

☐ FMP TITUSVILLE (407)383-2740 \_\_\_\_\_

☐ FDEP JACKSONVILLE\* (904)448-4320 \_\_\_\_\_

☐ FDEP ORLANDO (407)894-7555 \_\_\_\_\_

☐ STATE WARNING POINT (904)413-9911 \_\_\_\_\_

☐ FLDOT (904)693-5041 \_\_\_\_\_

### **LOCAL AGENCIES\*\*\***

Time Date Initials

[ ] CITY FIRE DEPT. (904)630-2472 \_\_\_\_\_

(HAZMAT Station 7)

[ ] SHERIFF'S OFFICE (904)630-2100 \_\_\_\_\_

\* Notify on all pollution incidents.

\*\* Notify on all actual or potential medium or major pollution incidents

\*\*\* Phone numbers for other local agencies are listed in Annex F

## **E-I-D RESPONSE STRATEGY / CONTAINMENT & CLEANUP**

1. Evaluate level of response needed for incident

(Use scenarios as general guide)

- a. Most probable discharge
- b. Maximum most probable discharge
- c. Worst case discharge

2. Evaluate if special circumstances exist requiring special action

- a. Fire/explosion
- b. Vessel grounding
- c. Lightering operations
- d. Salvage operations

3. Implement support infrastructure

\* - Determine response structure that will be used, and from there determine level of support needed to fill positions in the structure

#### 4. Mobilization of personnel

\* - Determine personnel needed for response, and identify source of personnel.  
Ensure personnel are properly trained, and health and safety issues are addressed.

- a. Special Teams
- b. Reserve augmentation
- c. DRG support
- d. SONS augmentation

#### 5. Mobilization of equipment

- a. Type of equipment needed
- b. Quantity
- c. Location - staging area
- d. Support needed
  - (1) Boats for hauling and positioning boom
  - (2) Aircraft support for transporting equipment
- e. Additional requirements
- f. Contact list

#### 6. Logistics

- a. Logistics needed to support personnel
  - (1) Food
  - (2) Lodging
  - (3) Additional clothing
  - (4) Transportation
- b. Logistics needed to support response
  - (1) Adequate communications
  - (2) Command post - Establish command post in location to support response. Command post must be adequate in size to support the anticipated number of personnel.
  - (3) Air support (overflights)

(a) Coast Guard and Auxiliary

(b) Other agencies

(c) Private sources

7. Local impacts

a. Impact on water intakes

(1) Drinking water

(2) Industrial

b. Transportation of fresh water supply

8. Funding issues

a. OSC access to the Fund

b. State access to the fund

c. Vendors - BOA policy

9. Volunteers

10. Fish, wildlife and habitat protection and mitigation of damage

11. Ensure coordination with natural resource damage assessment personnel

## E-I-D-1 COASTAL INLET BOOMING STRATEGIES

This part consists of Coastal Inlet Booming Strategies in the MSO Jacksonville area of responsibility.

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# **E-I-E CONTAINMENT/CLEANUP BRANCH**

## **ON WATER RECOVERY UNIT**

- (1) Direct the delivery, deployment, and operation of skimmers.
- (2) Provide a field status of skimming operations to the Operations Section Chief.
- (3) Maintain estimates of product recovered.
- (4) Identify field conditions related to the effectiveness of skimming operations.
- (5) Identify logistics support needs of skimming operations.
- (6) Ensure recovery and holding containers operate efficiently.

## **PROTECTION UNIT**

- (1) Deploy and maintain booms, dikes, or other protection devices as directed to accomplish protection, diversion, or containment strategies, and modify planned strategies as required by actual field conditions.
- (2) Provide estimates of protection completion times.
- (3) Report on the effectiveness of booming to the Operations Section Chief.
- (4) Maintain booms and mooring systems and ensure that product which has been contained, diverted, or captured is recovered.
- (5) Identify protection resource and logistics needs, including boom types, lengths, mooring systems, and vessel support requirements.
- (6) Propose alternative protection strategies based on field results and environmental conditions.

## **SHORESIDE RECOVERY UNIT**

- (1) Manage the personnel and equipment necessary to accomplish shoreside recovery and cleanup objectives established in the Incident Action Plan.
- (2) Report on the efficiency of shoreside recovery and cleanup methods.
- (3) Identify resource and logistics support needs.
- (4) Project cleanup completion dates.
- (5) Request Natural Resource Trustees sign off on shoreline cleanup activities.

## **HAZARDOUS MATERIALS (HAZMAT) UNIT**

- (1) Direct and manage HAZMAT resources to accomplish tactical operational objectives as directed by the Operations Section Chief.
- (2) Conduct HAZMAT situation investigations, site surveys, air monitoring, and analyze HAZMAT problems.
- (3) Identify safety hazards that may be present and report observations to the Safety Officer.
- (4) Designate HAZMAT exclusion zones and report designations to the Safety Officer.
- (5) Plan and carry out HAZMAT operations.
- (6) Identify HAZMAT resource and logistics support needs.
- (7) Report on the status of HAZMAT operations.

## **E-I-F SALVAGE BRANCH**

- (1) Direct and manage salvage resources to accomplish tactical operational objectives as directed by the Operations Section Chief.
- (2) Conduct situation investigations, grounding surveys, and analyze salvage problems.
- (3) Plan and carry out salvage operations.
- (4) Plan and carry out emergency lightering operations.
- (5) Identify salvage resources and logistics support needs.
- (6) Report on the status of salvage operations.

## **E-I-G DECONTAMINATION BRANCH**

- (1) Identify decontamination needs and provide resources to accomplish required cleaning and decontamination of personnel and equipment.
- (2) Identify resource and logistics needs to accomplish decontamination requirements.

# E-I-H WILDLIFE RECOVERY BRANCH

## **WILDLIFE RECOVERY UNIT**

- (1) Direct, coordinate, and conduct wildlife recovery and capture operations.
- (2) Maintain a central clearing point to direct recovered wildlife to appropriate rehabilitation facilities.
- (3) Maintain an evidence, tagging, and storage procedure for all wildlife recovered.
- (4) Manage the capture, triage, first aid, and transportation of recovered wildlife.
- (5) Provide training and briefing on actions and notifications required when response workers or members of the public encounter distressed wildlife.
- (6) Identify resources and logistics support requirements.
- (7) Report on wildlife recovery operations.

## **REHABILITATION (REHAB) UNIT**

- (1) Establish wildlife rehabilitation centers and conduct rehabilitation operations.
- (2) Maintain documentation on wildlife delivered for rehabilitation.
- (3) Store, document, coordinate laboratory analysis and necropsies, and properly handle deceased wildlife.
- (4) Identify resources and logistics support requirements.

A list of licensed Florida Wildlife Rehabilitators for MSO Jacksonville's AOR may be found in Annex F.

# E-I-I VESSEL OPERATIONS BRANCH

- (1) Coordinate and conduct waterways management and vessel traffic control missions as directed by the Operations Section Chief.
- (2) Develop safety zones, security zones, and vessel traffic management alternatives for approval by the Captain of the Port (COTP).
- (3) Coordinate and implement enforcement of safety zones, security zones, and vessel traffic management systems.

- (4) Manage and direct dedicated Waterways Unit resources and coordinate Waterways Unit missions with resources of opportunity.
- (5) Identify additional resources and logistics needs.
- (6) Report on the status of waterways management operations.

## **E-I-J HEALTH AND MEDICAL SERVICES**

### **EMERGENCY MEDICAL SERVICES (EMS)**

- (1) Prioritize EMS missions and respond to medical emergencies as directed by the Operations Section Chief.
- (2) Manage dedicated EMS resources and coordinate with other EMS systems.
- (3) Identify EMS resource and logistics needs.
- (4) Report on the status of EMS operations.

## **E-I-J-1 WARNING SYSTEMS AND EMERGENCY PUBLIC NOTIFICATION**

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# E-I-J-2 EVACUATION PROCEDURES

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## E-I-K REMOVAL AND WASTE DISPOSAL

### **DISPOSAL UNIT**

- (1) Direct the collection, temporary storage, transportation, recycling, and disposal of recovered wastes.
- (2) Estimate the volume of waste that may be recovered and ensure adequate resources and logistics support are provided.
- (3) Manage temporary storage sites and prevent secondary discharges or cross contamination.
- (4) Confirm the laboratory results characterizing the wastes as hazardous or non-hazardous and prepare required RCRA manifests as required.
- (5) Confirm the capacities of recycling or disposal sites.

### **PROCEDURE**

- (1) Federal, State and local laws/regulations
- (2) Volume of oil or hazardous substance for disposal
- (3) Identify disposal locations (onsite vs. offsite)
- (4) Obtain necessary permits
- (5) Secure transportation for product disposal
- (6) Outline disposal plan

# DISPOSAL GUIDANCE

In addition to the value of the product, liability for damage caused by spilled product, and the cost of cleanup, the cost of disposal is good reason to attempt to prevent spills, to quickly eliminate the source of an accidental release, and to contain and recover for use as much as possible of the spilled product.

The Resource Conservation and Recovery Act (RCRA), found in 40 CFR 260-266 & 270, is intended to promote the protection of health and the environment, and to conserve valuable material and energy resources by providing guidelines for solid waste collection, transportation, separation, recovery, and disposal practices and systems.

A list of public and privately owned waste to energy plants and class I landfills are located in Tab E to Appendix II to Annex F.

Currently this plan discusses only the disposal of oiled waste. Disposal procedures for hazardous waste are found in the Northeast Florida Comprehensive Emergency Management Plan for Hazardous Materials.

## FLORIDA

The 1990 Florida Legislature enacted major changes to the State's oil spill response and cleanup laws. Among the changes was the following directive to the Florida Department of Environmental Protection (FDEP) concerning the disposal of oil spill cleanup generated debris:

Chapter 376.304 (2) Florida Statutes states;

The Department of Environmental Protection is authorized to review and analyze the disposal materials or by-products used or resulting from the cleanup of the release of pollutants in the waters of the state. Such materials that are determined by the Department not to require extraordinary handling or disposal requirements may be designated for disposal in nearby existing, local government, solid waste disposal facilities where such facilities are determined to be designed and operated in a manner where disposal of such materials would not constitute an unreasonable risk to public health and the environment. Such designation by the Department shall not be disallowed by actions of the local government responsible for operating the solid waste disposal facility. The designation by the Department of a local government's solid waste facility as the location for disposing of materials and by-products resulting from the activities essential to the cleanup of pollutants in the waters of the state shall constitute final agency action subject to review pursuant to chapter 120, Florida Statutes.

## Pre-Designation of Solid Waste Facilities for Debris Disposal;

In order to be prepared to properly manage the debris that could be generated from the cleanup of any significant or catastrophic release of pollutants in the waters of the state, the FDEP will pre-designate all suitable municipal solid waste facilities, coastal and inland, that are in compliance, and meet screening criteria developed in the "Final Report of Oil Spill Debris Disposal Study", for potential use as debris staging areas and disposal of suitable waste from the debris. This list of predesignated facilities will be maintained and updated on an annual basis.

## In The Event of a Significant Spill;

The nearest designated facility, or several facilities if necessary, would be utilized as the recommended staging area for segregation and stockpiling of debris, unless a suitable commercial or private facility is available and preferred by the Responsible Party, or if the spill debris can be staged in the immediate vicinity of the spill affected area, such as on the beach above high water.

The FDEP Emergency Response Section (904) 448-4320 (after hours via the State Warning Point at (904) 413-9911) will provide guidance to the Responsible Party and the Federal On-Scene Coordinator during the spill cleanup operations so that the debris collected is segregated, to the extent possible, into categories of waste disposal method. As much of the waste debris, as can be determined, will be directed to appropriate facilities for disposal. The remaining debris will be sent to the selected staging area(s) for further characterization and storage, while additional waste disposal options are being reviewed.

Debris suitable for disposal in solid waste facilities should first be directed to those facilities in the county or counties experiencing the spill.

If the amount of debris is such that no single facility could manage it properly, the FDEP will recommend additional nearby facilities to share the burden of the waste.

The FDEP District Waste Program Administrator will designate a lead District contact for the duration of the cleanup and disposal effort.

The FDEP Emergency Response Section will designate a lead disposal contact for the Federal On Scene Coordinator (FOSC) and the Responsible Party's representative.

A list of privately owned Landfills will also be provided to the FOSC and the Responsible Party.

The *Final Report of Oil Spill Debris Disposal Study* should be used as a reference for determining suitable facilities for oil spill debris disposal.

The *Guidelines for Assessment and Remediation of Petroleum Contaminated Soils* should be used as a reference regarding the level of contamination that is suitable for municipal landfill disposal.

A Directory of Refuse to Energy Facilities, and approved Thermal Treatment Facilities with the appropriate contact persons and telephone numbers will be maintained to assist in predetermining the types and volumes of waste acceptable at these facilities. A plan for

establishing emergency permitting procedures for these facilities will be developed in conjunction with the Division of Air Resources Management.

Guidelines are being developed for the appropriate use of soil washing technology and bioremediation.

### **General Disposal Guidelines**

Liquid waste petroleum product - recycle or reuse

Liquid waste petroleum product and water mixture - oil and water separator, then:

Oil to recycler or refiner / water to POTW

Oil contaminated organic debris (sorbents, wood, plant material) - Refuse to Energy or Thermal Treatment Facilities

Oil contaminated sand, (saturated) - Thermal Treatment Facility or soil washing technology.

Disposal options are described by the *"Guidelines for Assessment and Remediation of Petroleum Contaminated Soil."*

Oil contaminated sand, (not saturated) - Designated Landfill to be used as cover material. Also should follow *"Guidelines for Assessment and Remediation of Petroleum Contaminated Soil."*

## **GEORGIA**

The Georgia Hazardous Waste Management Act establishes the requirements for management of both hazardous and non-hazardous wastes in the State of Georgia. Georgia Environmental Protection Division (EPD),(404) 362-2684 is the State Department responsible for oversight and enforcement of the Hazardous Waste Management Act.

In the State of Georgia several disposal options are available for the disposal of contaminated soils and materials. These options are contingent upon the amount of Total Petroleum Hydrocarbons (TPH) in the contaminated soil. The State has established a target TPH value of 100 ppm. For those contaminated soils which have TPH values less than 100 ppm, disposal at a permitted landfill with a liner and leachate collection system is acceptable as daily cover. Most counties within the state have at least one landfill, but most of these landfills do not contain a liner or leachate collection system.

Contaminated soils with TPH values less than 10 ppm TPH are considered recovered materials and are no longer considered solid waste, unless discarded in a manner which creates a threat to human health or the environment. As a recovered material these soils may be recycled or reused in a beneficial manner. If the remediation facility disposes of these soils as opposed to beneficially reusing them, then the facility must obtain a solid waste handling permit from the Division.



Those soils that possess TPH levels in excess of 100 ppm can only be disposed of at an EPD approved facility. The facility may be either a landfill with a liner and a leachate collection system or a permitted asphalt plant. At no time may any free liquids or hazardous waste be disposed of at any of these facilities. Equipment used in petroleum clean up operations should also be taken to a lined landfill for disposal.

As the accompanying document describes, only petroleum contaminated soils from underground storage tanks are deferred from regulation under the Hazardous Waste Management Act. All contaminated soils from other sources must be tested to document that they are non-hazardous. Both generator and disposal facility are responsible under state and federal laws to ensure that these soils are non-hazardous.

While the State of Georgia recommends that non-hazardous petroleum contaminated soils may be disposed of at an EPD permitted solid waste handling facility, each facility is responsible for ensuring compliance with its permit. Each permit issued in the State is facility specific. While a lined landfill in Atlanta may be permitted to accept petroleum contaminated soils with up to 500 ppm TPH, a landfill in another location of the state may only be allow to accept soils with up to 200 ppm TPH. Prior to soil transport to any facility, the generator should contact the landfill or asphalt plant and receive direction as to what specific criteria the facility will require for disposal.

The Guidance Document listed below has been prepared by the Georgia Underground Storage (UST) program. Though prepared by the UST program to address UST facilities, all of EPD uses this document to maintain consistency throughout the State. Any deviation from this document without prior approval from the EPD will constitute a violation of State law. Questions regarding disposal of petroleum contaminated soil from UST facilities should be directed to the UST program in Atlanta at (404) 656-6905. When oils are found to be hazardous, disposal questions should be directed to the Hazardous Waste Branch in Atlanta at (404) 362-2684.

Georgia Department of Natural Resources

205 Butler St., SE

Floyd Tower

Atlanta, GA 30334

March 30, 1992

## GUIDANCE DOCUMENT

### Facilities Accepting and Processing

#### Petroleum Contaminated Soil

Asphalt processing facilities and other soil remediation facilities are applying for modifications to their existing air quality permits or for new permits in order to accept and process petroleum contaminated soil. These amended or new permits generally allow these facilities the option of processing non-hazardous contaminated soil, but prevent the permittee from processing any petroleum contaminated soil until they have been issued a Solid Waste Handling Permit or receive written notification from the Land Protection Branch that no permit is required.

No hazardous waste may be processed at these facilities. Since only petroleum contaminated soils from regulated underground storage tanks are currently deferred from regulation under the Hazardous Waste Management Act, all soils from other sources must be tested to document they are non-hazardous. By law, the waste generator must make this determination, but the facility should verify that the soil is non-hazardous before accepting it for processing.

Such facilities are exempt from solid waste handling regulations, provided the facility can furnish documentation verifying they are operating in accordance with the regulations applicable to a recovered materials facility as defined in the Rules for Solid Waste Management, Chapter 391-3-4-.04(7).

Documentation must include proof that the facility has known markets for the material to be processed and that equipment is available to do any required processing. Additionally, the facility must show that 60 percent by weight or volume of the petroleum contaminated soil received is sold, used, reused, or recycled, thus diverting or removing it from the solid waste stream, in the previous 12 months. Any accumulation of processed soil without proof that adequate markets exist for its sale, use, reuse, or recycling, or without possessing the necessary equipment to process the soils, constitutes solid waste handling, regardless of the 60 percent rule. It is the permittee's responsibility to maintain complete and accurate records to demonstrate adherence to the recovered materials classification.

Currently approved reuses of non-hazardous petroleum contaminated soils include hot or cold asphalt products, road base beneath asphalt and, under limited conditions, landfill daily cover. Remediated soils used for road base and placed in depths exceeding 24 inches will be considered fill material rather than road base.

Remediated soil not exceeding 100 (ppm) TPH and 20 (ppm) total BTEX may be used as daily cover at an EPD approved municipal solid waste landfill with a liner and leachate collection system, meeting all requirements of the Georgia Solid Waste Management Act and Rules for Solid Waste Management, Chapter 391-3-4-.07(1)(1) and (3)(c).

Land filling of non-hazardous petroleum contaminated soils having in excess of 100 (ppm) TPH and 20 (ppm) total BTEX is acceptable only at EPD approved municipal solid waste landfills constructed with a liner and leachate collection system in compliance with all requirements of the Georgia Solid Waste Management Act and the Solid Waste Management Rules.

Non-hazardous petroleum contaminated soils remediated to certified non-detect levels of 10 (ppm) TPH and 1 (ppm) total BTEX will be classified as a recovered material and no longer considered solid waste, unless discarded in a manner which creates a threat to human health or the environment. If the soil remediation facility dispose of processed soils as opposed to beneficially reusing or recycling them as specified above, then the soil remediation facility must obtain a solid waste handling permit before processing such soils.

Any facility claiming to be a reclaimed materials facility and found not to qualify as such upon investigation by the Division, will be considered in violation of the Comprehensive Solid Waste Management Act for operating without a permit and subject to enforcement action.

Any facility classified as a recovered materials facility must ensure that the storage of petroleum contaminated soils prior to processing does not impact the ground or surface waters through leaching or contaminated runoff.

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## E-II REQUIRED LETTERS AND REPORTS

This appendix addresses two categories of paperwork which the OSC must administer during an oil spill incident. The first category is paperwork which is given to the responsible party to meet the legal notification requirements of OPA 90. These are addressed in Tab A to this appendix. The second category are reports which must be passed to higher authority either during or at the conclusion of a spill incident. These may be found in Tab B to this appendix.

### E-II-A LETTERS

The letters included in this section are administered by the Coast Guard and are included here for informational purposes for other agencies.

#### Exhibit 1 - Notice of Federal Interest (CG-5549)

This form informs a potential responsible party that there has been or potentially will be a spill of oil or hazardous materials for which the individual may be financially responsible. The requirements for filling out this form are self explanatory.

#### Exhibit 2 - Letter of Federal Assumption

This form instructs the responsible party or suspected responsible party that clean up activity to date has not been satisfactory and that the OSC intends to conduct the clean up from that point on. The responsible party remains financially responsible for the clean up and penalties. The requirements for filling out this form are self explanatory.

#### Exhibit 3 - Letter of Designation (TOPS)

The OSC is responsible for notifying the NPFC of the source of a discharge, actual or potential. The NPFC must also be notified if the source is not identified. Notification may be made by letter, Rapidraft, or message (POLREP or SITREP). The NPFC should be contacted for guidance on procedures, or with any questions relating to this.

The formal designation of source is required in actual or potential spills where the potential for third party claims exists. When claims are not expected, a formal designation is not required. The primary issue involved in designations of sources (from an operational standpoint) is the requirement for the designated source to advertise to inform potential claimants. The FOSC is not part of this process.

A standard form letter for the designation of sources is currently under development by the Coast Guard (G-MEP). Until this letter is completed, the following local letter may be used if so directed by the NPFC.

#### Exhibit 4 - Administrative/Directive Order

This order is an intermediate step which the OSC may take in ensuring that appropriate action is taken in an oil or hazardous material spill event. The order directs the responsible party to take specified action without the OSC assuming total control of the response. The requirements for completing this form are self explanatory.

16480

DATE: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Gentlemen:

On or about \_\_\_\_\_ an oil pollution incident occurred or threatens to occur at \_\_\_\_\_ . You may be financially responsible for that incident. Under federal statutes, the United States Government may take appropriate action to minimize or mitigate damage to the public health or welfare that is threatened or that may be caused by this incident.

Under the Oil Pollution Act of 1990, the responsible party is liable for, among other things, removal costs and damages resulting from this incident. The failure or refusal to provide all reasonable cooperation and assistance requested by the Federal On-Scene Coordinator (FOSC) will eliminate any defense, or entitlement to limited liability, which otherwise might be available under the Act.

You are advised of the following, which may result from your failure to properly carry out the removal of the discharge as ordered by the Federal On-Scene Coordinator, or to comply with any administrative orders necessary to protect the public health and welfare. For such failure, owners, operators or persons in charge of the vessel or facility from which the oil is discharged are subject under the Federal Water Pollution Control Act (FWPCA), as amended, to a civil penalty of up to \$25,000 per day of violation or up to 3 times the costs incurred by the Oil Spill

Liability Trust Fund. Should you require further information concerning this matter, please contact

at the above address and telephone number.

As long as the FOSC determines that you are taking adequate actions in this matter, federal removal action will usually be limited to monitoring the progress of your actions, providing guidance as necessary. Under FWPCA, as amended, your response actions may be taken into account in determining the amount of any penalty assessed as a result of the discharge.

Sincerely,

On-Scene Coordinator's Representative

Received and Acknowledged / Date Witness

16480

DATE: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Gentlemen:

My letter of \_\_\_\_\_, delivered to you or your representative  
\_\_\_\_\_ at \_\_\_\_\_, notified you of Federal interest in a  
pollution incident for which you are considered to be financially responsible.

You are hereby given notice that your actions to abate this threat or to remove the oil from the  
waters, or adjacent shoreline have been evaluated as being unsatisfactory by the U.S. Coast  
Guard's On-Scene Coordinator (OSC), \_\_\_\_\_.

Effective \_\_\_\_\_, the U.S. Coast Guard will conduct all response/removal  
activities under the authority of one or more Federal statutes, including, but not limited to  
Section 311 of the Federal Water Pollution Control Act and the Intervention on the High Seas  
Act.

Should you require further information concerning this matter, please contact at the above  
address and telephone number.

Sincerely,

On-Scene Coordinator's Representative

Received and Acknowledged / Date

Witness

5891

DATE \_\_\_\_\_

Owner/Operator

Attn:

Address

Subject: NOTICE OF DESIGNATION

Re: Federal Project Number

\_\_\_\_\_, [Name of incident

including description of quantity,

type of oil, location, navigable

water affected, date.]

NOTICE TO: Owner/Operator

In the matter of the above referenced incident you are hereby notified that the [name of source] is designated as the source pursuant to the Oil Pollution Act of 1990, 33 USC 2714. You have been identified as the [owner/operator] of this designated source. You are liable for removal costs and damages as specified in 33 USC 2702. You must advertise the procedures by which persons who have claims for removal costs and damages may submit their claims to you, as specified in 33 USC 2714.

You may deny this designation within 5 days of receipt of this Notice of Designation. Such denial must be in writing, must identify this Notice of Designation, must give the reasons for the denial and provide a copy of all supporting documents, and must be

submitted to \_\_\_\_\_, Captain, U. S. Coast Guard, Captain of the Port, at the above address.

If you do not deny this designation, you must advertise this designation and the procedures by which claims may be presented. The advertisement must begin with 15 days of the date of this Notice of Designation and must continue for no less than 30 days. Enclosures (1) and (2) outline the required scope and content of this advertisement.

You are directed to inform the National Pollution Fund Center of the method, geographical scope, and frequency of publication, as appropriate, for your advertising. Advise them in writing that you have begun advertising and send them samples of the advertising copy within 20 days of receipt of this letter, otherwise it will assumed that you did not comply with these requirements. Correspondence to the National Pollution Fund Center should be address to:

Director (cm)

Attn: Case Officer, FPN ( )

National Pollution Fund Center

4200 Wilson Blvd.

Suite 1000

Arlington, VA 22203-1804

If you do not comply with these requirements the National Pollution Funds Center will advertise for claims. If they advertise you will be charged for the cost as well as for the costs of any administration, adjudication and payment of claims.

Please contact \_\_\_\_\_ at (904) 232-2648 if you have any questions. The FAX number is (904) 232-2664.

Issued by:

NAME

Captain, U. S. Coast  
Guard

Captain of the Port

Jacksonville, Florida

Encl (1): Scope of Advertisement

(2): Content of Advertisement



## **Scope of Advertisement**

\_\_\_ Paid advertisements in a newspaper(s) having general circulation in affected area(s).

\_\_\_ Notices posted in marinas, marine supply stores, bait and tackle shops, and other appropriate business establishments or public facilities.

\_\_\_ News release to newspaper(s), radio station(s), television station(s) and cable service(s) in the effected area(s).

Note: You may propose other methods of advertisement and notification, which may be substituted for the above, only when approved in advance by the National Pollution Funds Center.

ENCL: (1)

## **Content of Advertisement**

Each advertisement/notification must be in English, unless otherwise directed, and must provide the following information:

1. Location, date and time of the oil spill incident.
2. Description of the geographical area affected.
3. Quantity and type of oil spilled.
4. Name or description of the source of the oil spill, as designated by the Coast Guard.
5. Name of the responsible party and guarantor of the source.
6. Name, address, telephone number, office hours, and work days of the person or entity to whom claims are to be presented and from who claim information may be obtained.
7. The procedures you establish for accepting claims.
8. Notification that any claim denied by the responsible party or not resolved within 90 days after the date of submission may be referred for consideration to the National Pollution Funds Center (cm), 4200 Wilson Boulevard - Suite 1000, Arlington, VA 22203-1804.

ENCL: (2)

16480

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Date/Time

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Dear Sir:

This letter constitutes an Administrative Order and is issued under the authority of the Oil Pollution Act of 1990 (OPA 90).

It has been determined that there has been a discharge, or is the potential of a discharge of oil or a hazardous substance which is of such size or character as to be a threat to the public health or welfare of the United States (including but not limited to fish, shellfish, wildlife, or other natural resources and the public and private beaches and shorelines of the United States). Under these circumstances OPA 90 requires the President (through the Federal On-Scene Coordinator) to direct all Federal, State, and private actions to remove the discharge or to mitigate or prevent the threat of discharge. The actions which are required of you are detailed in the enclosure to this letter which is considered to be part of this administrative order.

Regardless of whether you are responsible for this discharge or potential discharge, failure to comply with this order may subject you to civil penalties under OPA 90. Further, if you are determined to be the responsible party, your failure to comply with this order or to provide reasonable cooperation to the Federal On-Scene Coordinator will eliminate any defense or entitlement to limited liability which otherwise might

be available under OPA 90. Failure to adequately comply with this order may also result in the OSC taking actions to fulfill the intent of this order for which you could be liable.

If you have questions concerning this order, contact my staff at (904) 232-2648.

Sincerely,

NAME

Captain, U.S. Coast Guard

Captain of the Port

Jacksonville, FL

Enclosure to COTP Jacksonville administrative order date/time\_\_\_\_\_

On or before (date) \_\_\_\_\_ (time) \_\_\_\_\_ you are required to accomplish the items listed below. You are further required to ensure that a diagonal line is drawn below the last entry to preclude any modifications to these requirements. Lastly you are required to sign, date, and time this enclosure indicating that you understand its contents.


(Signed)\_\_\_\_\_

(Printed Name)\_\_\_\_\_

OSC Representative

Acknowledged, date \_\_\_\_\_, time\_\_\_\_\_.

(Signed)\_\_\_\_\_

(Printed Name)\_\_\_\_\_

(Company/Vessel)\_\_\_\_\_

(Position)\_\_\_\_\_

## E-II-B OSC REPORT

Following any pollution event where federal funds were expended a completion report must be submitted to the NPFC. This may include actual or potential events in which the federal government hired contractors or brought in outside assistance (e.g., Strike Team or Navy), or, at the OSC's discretion, where the Coast Guard monitors a cleanup funded by the responsible party. It does not include investigations where no clean up is conducted. During long responses interim reports may be appropriate and/or requested by NPFC. Following major or unusual responses, an on-scene coordinator's report is required in addition to the completion report described above. This report is submitted to the Regional Response Team.

## E-II-C POLLUTION REPORTS

Pollution Reports (POLREPs) are required for all reported pollution incidents. This requirement is met in one of two ways, individual POLREPs or weekly consolidated POLREPs.

Individual POLREPs are required within 24 hours of the initial report and at least daily thereafter (at end of day) except when:

- (1) The incident is minor,
- (2) Removal action is not warranted,
- (3) No violation report will be submitted.

When the above conditions are met, a consolidated POLREP will be submitted each Friday.